

### **AMENDMENTS TO THE DRAWINGS**

Please replace Figs. 1-6 with replacement sheets that are attached to this Amendment. The sheet numbering has been deleted from Figures 1-5. Figure 6 is a newly added drawing.

## REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. An RCE accompanies this Amendment.

Applicants thank the Examiner for the teleconference between the Examiner and the undersigned attorney on September 1, 2010. The Examiner and the undersigned attorney discussed the rejection of claim 1 under 35 U.S.C. § 112. The Examiner and the undersigned attorney did not reach an agreement for the rejection of claim 1 under 35 U.S.C. § 112. The Examiner and the undersigned attorney also discussed the rejection of claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view U.S. Patent No. 5,426,903 to Ramm et al., (hereinafter, "Ramm"). The Examiner and the undersigned attorney agreed that amended claim 1 overcomes the rejection of claim 1 under 35 U.S.C. § 103(a).

### Status of the Claims

Claims 1-3 and 5-17 stand rejected.

Claims 1 and 7 are currently amended. No claims are added. No new matter has been added.

Claims 7 and 17 include the phrase "second type of anchoring elements having at least sections of annular portions." Support for this phrase can be found on page 7, lines 26-28 of the specification. Figure 6 has been added to illustrate this feature of the claims.

### Response to Rejections under 35 U.S.C. § 112

The Office Action has rejected claims 1-3 and 5-17 under 35 U.S.C. § 112 as failing to comply with the written description requirement.

Anchoring elements 38 of Figures 2 and 3 provide support for the phrase "a diameter or length greater than or substantially equal to the distance from the free end portion to the wall." However, to expedite prosecution, applicants have deleted this phrase from amended claim 1. Thus, applicants respectfully request removal of the rejections of claims 1-3 and 5-17 under 35 U.S.C. § 112.

Response to Rejections under 35 U.S.C. § 103(a)

Claims 1-3 and 5-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view U.S. Patent No. 5,426,903 to Ramm et al., (hereinafter, "Ramm"). Applicant respectfully submits that amended claim 1 is patentable over the combination of cited references.

Claim 1, as amended, recites in part "wherein the plurality of anchoring elements comprises a first type of anchoring elements having an enlarged free end portion and a second type of anchoring elements having annular portions that are only in contact with either one of the side surfaces of the wall of the second tower segment, wherein the first type of anchoring elements are different than the second type of anchoring elements." Applicant respectfully submits that AAPA fails to disclose at least these features of the claim.

The AAPA describes a **single** flat ring-like element 6, not a plurality of separate anchoring elements nor different types of anchoring elements. Also, the AAPA expressly illustrates the single flat ring-like element 6 as being in contact with the bottom of the steel segment 3. AAPA, page 2, lines 23-29, Figure 5.

In contrast to amended claim 1, the AAPA fails to teach or describe "**a plurality of separate anchoring elements**" as recited in claim 1, because the AAPA describes a **single** flat ring-like anchoring element 6 that is disposed at one location at the bottom of the steel segment 3. The AAPA fails to teach or describe **two different types of anchoring elements**. The AAPA fails to teach or describe a first type of anchoring elements having an enlarged free end portion. The AAPA fails to teach or describe a second type of anchoring elements having annular portions that are only in contact with either one of the side surfaces of the wall of the second tower segment because the AAPA illustrates that the single flat ring-like anchoring element contacts the **bottom** of the wall of the tower segment.

For at least the reasons given above, AAPA fails to teach all the features of amended claim 1.

Ramm describes a welded-on dowel for a steel/concrete composite construction.

In contrast to amended claim 1, Ramm fails to teach or describe "a plurality of separate anchoring elements projecting radially from at least one of the side surfaces of the wall of the second tower segment" as recited in claim 1, because Ramm is silent regarding a

dowel being projected **radially** from any surface of a steel component. Ramm fails to teach or describe **two different types of anchoring elements** because Ramm merely discloses a dowel. Ramm fails to teach or describe a second type of anchoring elements having annular portions that are only in contact with either one of the side surfaces of the wall of the second tower segment.

For at least the reasons given above, Ramm fails to teach all the features of claim 1.

It is respectfully submitted that the AAPA does not suggest a combination with Ramm, and Ramm does not suggest a combination with the AAPA. The AAPA discloses a flat ring-like anchoring element 6 embedded in concrete. Conversely, Ramm discloses a welded-on dowel for a steel/concrete composite construction. The AAPA has no need for a welded-on dowel because of the anchoring element 6. The Examiner's proposed modification of the AAPA with Ramm would increase the manufacturing time and manufacturing complexity required to build and anchor a steel tower segment. This would also lead to additional cost. Thus, one of ordinary skill in the art would not be motivated to combine the AAPA and Ramm. It would be impermissible hindsight to combine the AAPA with Ramm based on applicant's own disclosure.

Furthermore, even if the AAPA and Ramm were combined, such a combination would lack the limitations "a second type of anchoring elements having annular portions that are only in contact with either one of the side surfaces of the wall of the second tower segment, wherein the first type of anchoring elements are different than the second type of anchoring elements" as recited in amended claim 1.

Therefore, in view of the above distinction, neither the AAPA nor Ramm, individually or in combination, disclose each and every limitation of amended claim 1. As such, amended claim 1 and associated dependent claims 2, 3, and 5-17 are not rendered obvious by the AAPA in view of Ramm under 35 U.S.C. § 103(a).

## CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Jeremy Schweigert at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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